

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Dominic Musarra, *et al.*

Plaintiffs,

vs.

Digital Dish, Inc.,

Defendant.

Case No. C2-05-545

Judge Marbley

Magistrate Judge King

ORDER GRANTING FINAL APPROVAL OF SETTLEMENT

AND NOW, the 22 day of July, 2009, the parties having filed a Joint Motion for Order Conditionally Certifying Settlement Class and Preliminarily Approving Class Action (“the Joint Motion for Conditional Approval”) [Docket No. 227], a Settlement Agreement (“the Agreement”) [Docket 227-2], a Joint Motion for Order Certifying Settlement Class and Approving Class Action Settlement on July 6, 2009 (“the Joint Motion for Final Approval”) [Docket No. 234], Plaintiffs’ Motion for Attorney Fees and Reimbursement of Costs (“the Motion for Fees and Costs”) [Docket No. 225]; and

The Court, by Order, having granted the Joint Motion for Conditional Approval on April 28, 2009 [Docket No. 230]; and

The Court having considered the Agreement as well as the testimony, evidence, and supporting papers during the fairness hearing held before the Court on July 13, 2009; and

The Court noting that no objections were filed to the Agreement; and,

The Court finding that there were no objections to the fee and expense petition of Plaintiffs' counsel; and

The Court having considered the entire record and all relevant matters;

It is hereby **ORDERED** that the Settlement Class is certified pursuant to Fed. R. Civ. P. 23 (a) and (b)(3).

It is hereby **ORDERED** that the Stipulation of Settlement and all terms therein are approved as fair, reasonable and adequate in all respects in accordance with Fed. R. Civ. P. 23(e)(1).

It is hereby further **ORDERED** that Plaintiffs' Counsel be awarded the \$130,000.00 in attorney fees, expenses and costs provided by the Rule 23 Settlement Agreement¹.

It is hereby further **ORDERED** that the two charities, the Interfaith Worker Justice and the La Red Business Network are approved as the recipients of an equal share of a *Cy Pres* award of any funds remaining of the settlement once the funds are distributed according to the terms of the Agreement and this Order.

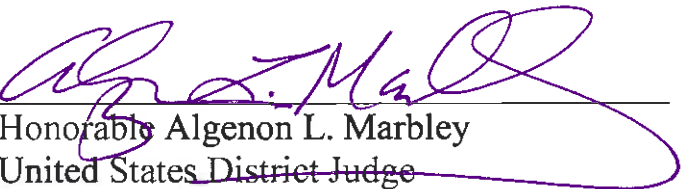
¹ The Court notes that Plaintiffs' Counsel will receive additional attorney fees and expenses in the Confidential §216(b) Settlement that was filed under seal. (Doc. 229)

It is hereby further **ORDERED** that, as provided for in the Agreement, the Plaintiffs' First Amended Complaint is dismissed on the merits and with prejudice. All persons bound by the class action, including the Class Representatives, are barred from prosecuting against any Released Parties, as defined in the Agreement, any of the Released Claims, as defined in the Agreement.

It is hereby further **ORDERED** that, this Court shall retain jurisdiction of this matter for any necessary purposes.

So ORDERED.

Dated: July 27, 2009.


Honorable Algenon L. Marbley
United States District Judge